

## Organization

RANDOLPH  
Bldg./Room

U. S. DEPARTMENT OF COMMERCE

# COMMISSIONER FOR PATENTS

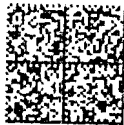
**P.O. BOX 1450**

ALEXANDRIA, VA 22313-1450

## IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

**AN EQUAL OPPORTUNITY EMPLOYER**



UNITED STATES POSTAGE  
U.S. OFFICIAL MAIL  
PENALTY FOR  
PRIVATE USE \$200  
NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES  
\$00.879  
00 14  
0004224479  
MAILED FROM ZIP CODE 22114

1.  $\frac{1}{2}$   
 2.  $\frac{1}{3}$   
 3.  $\frac{1}{4}$   
 4.  $\frac{1}{5}$   
 5.  $\frac{1}{6}$   
 6.  $\frac{1}{7}$   
 7.  $\frac{1}{8}$   
 8.  $\frac{1}{9}$   
 9.  $\frac{1}{10}$   
 10.  $\frac{1}{11}$   
 11.  $\frac{1}{12}$   
 12.  $\frac{1}{13}$   
 13.  $\frac{1}{14}$   
 14.  $\frac{1}{15}$   
 15.  $\frac{1}{16}$   
 16.  $\frac{1}{17}$   
 17.  $\frac{1}{18}$   
 18.  $\frac{1}{19}$   
 19.  $\frac{1}{20}$   
 20.  $\frac{1}{21}$   
 21.  $\frac{1}{22}$   
 22.  $\frac{1}{23}$   
 23.  $\frac{1}{24}$   
 24.  $\frac{1}{25}$   
 25.  $\frac{1}{26}$   
 26.  $\frac{1}{27}$   
 27.  $\frac{1}{28}$   
 28.  $\frac{1}{29}$   
 29.  $\frac{1}{30}$   
 30.  $\frac{1}{31}$   
 31.  $\frac{1}{32}$   
 32.  $\frac{1}{33}$   
 33.  $\frac{1}{34}$   
 34.  $\frac{1}{35}$   
 35.  $\frac{1}{36}$   
 36.  $\frac{1}{37}$   
 37.  $\frac{1}{38}$   
 38.  $\frac{1}{39}$   
 39.  $\frac{1}{40}$   
 40.  $\frac{1}{41}$   
 41.  $\frac{1}{42}$   
 42.  $\frac{1}{43}$   
 43.  $\frac{1}{44}$   
 44.  $\frac{1}{45}$   
 45.  $\frac{1}{46}$   
 46.  $\frac{1}{47}$   
 47.  $\frac{1}{48}$   
 48.  $\frac{1}{49}$   
 49.  $\frac{1}{50}$   
 50.  $\frac{1}{51}$   
 51.  $\frac{1}{52}$   
 52.  $\frac{1}{53}$   
 53.  $\frac{1}{54}$   
 54.  $\frac{1}{55}$   
 55.  $\frac{1}{56}$   
 56.  $\frac{1}{57}$   
 57.  $\frac{1}{58}$   
 58.  $\frac{1}{59}$   
 59.  $\frac{1}{60}$   
 60.  $\frac{1}{61}$   
 61.  $\frac{1}{62}$   
 62.  $\frac{1}{63}$   
 63.  $\frac{1}{64}$   
 64.  $\frac{1}{65}$   
 65.  $\frac{1}{66}$   
 66.  $\frac{1}{67}$   
 67.  $\frac{1}{68}$   
 68.  $\frac{1}{69}$   
 69.  $\frac{1}{70}$   
 70.  $\frac{1}{71}$   
 71.  $\frac{1}{72}$   
 72.  $\frac{1}{73}$   
 73.  $\frac{1}{74}$   
 74.  $\frac{1}{75}$   
 75.  $\frac{1}{76}$   
 76.  $\frac{1}{77}$   
 77.  $\frac{1}{78}$   
 78.  $\frac{1}{79}$   
 79.  $\frac{1}{80}$   
 80.  $\frac{1}{81}$   
 81.  $\frac{1}{82}$   
 82.  $\frac{1}{83}$   
 83.  $\frac{1}{84}$   
 84.  $\frac{1}{85}$   
 85.  $\frac{1}{86}$   
 86.  $\frac{1}{87}$   
 87.  $\frac{1}{88}$   
 88.  $\frac{1}{89}$   
 89.  $\frac{1}{90}$   
 90.  $\frac{1}{91}$   
 91.  $\frac{1}{92}$   
 92.  $\frac{1}{93}$   
 93.  $\frac{1}{94}$   
 94.  $\frac{1}{95}$   
 95.  $\frac{1}{96}$   
 96.  $\frac{1}{97}$   
 97.  $\frac{1}{98}$   
 98.  $\frac{1}{99}$   
 99.  $\frac{1}{100}$   
 100.  $\frac{1}{101}$   
 101.  $\frac{1}{102}$   
 102.  $\frac{1}{103}$   
 103.  $\frac{1}{104}$   
 104.  $\frac{1}{105}$   
 105.  $\frac{1}{106}$   
 106.  $\frac{1}{107}$   
 107.  $\frac{1}{108}$   
 108.  $\frac{1}{109}$   
 109.  $\frac{1}{110}$   
 110.  $\frac{1}{111}$   
 111.  $\frac{1}{112}$   
 112.  $\frac{1}{113}$   
 113.  $\frac{1}{114}$   
 114.  $\frac{1}{115}$   
 115.  $\frac{1}{116}$   
 116.  $\frac{1}{117}$   
 117.  $\frac{1}{118}$   
 118.  $\frac{1}{119}$   
 119.  $\frac{1}{120}$   
 120.  $\frac{1}{121}$   
 121.  $\frac{1}{122}$   
 122.  $\frac{1}{123}$   
 123.  $\frac{1}{124}$   
 124.  $\frac{1}{125}$   
 125.  $\frac{1}{126}$   
 126.  $\frac{1}{127}$   
 127.  $\frac{1}{128}$   
 128.  $\frac{1}{129}$   
 129.  $\frac{1}{130}$   
 130.  $\frac{1}{131}$   
 131.  $\frac{1}{132}$   
 132.  $\frac{1}{133}$   
 133.  $\frac{1}{134}$   
 134.  $\frac{1}{135}$   
 135.  $\frac{1}{136}$   
 136.  $\frac{1}{137}$   
 137.  $\frac{1}{138}$   
 138.  $\frac{1}{139}$   
 139.  $\frac{1}{140}$   
 140.  $\frac{1}{141}$   
 141.  $\frac{1}{142}$   
 142.  $\frac{1}{143}$   
 143.  $\frac{1}{144}$   
 144.  $\frac{1}{145}$   
 145.  $\frac{1}{146}$   
 146.  $\frac{1}{147}$   
 147.  $\frac{1}{148}$   
 148.  $\frac{1}{149}$   
 149.  $\frac{1}{150}$   
 150.  $\frac{1}{151}$   
 151.  $\frac{1}{152}$   
 152.  $\frac{1}{153}$   
 153.  $\frac{1}{154}$   
 154.  $\frac{1}{155}$   
 155.  $\frac{1}{156}$   
 156.  $\frac{1}{157}$   
 157.  $\frac{1}{158}$   
 158.  $\frac{1}{159}$   
 159.  $\frac{1}{160}$   
 160.  $\frac{1}{161}$   
 161.  $\frac{1}{162}$   
 162.  $\frac{1}{163}$   
 163.  $\frac{1}{164}$   
 164.  $\frac{1}{165}$   
 165.  $\frac{1}{166}$   
 166.  $\frac{1}{167}$   
 167.  $\frac{1}{168}$   
 168.  $\frac{1}{169}$   
 169.  $\frac{1}{170}$   
 170.  $\frac{1}{171}$   
 171.  $\frac{1}{172}$   
 172.  $\frac{1}{173}$   
 173.  $\frac{1}{174}$   
 174.  $\frac{1}{175}$   
 175.  $\frac{1}{176}$   
 176.  $\frac{1}{177}$   
 177.  $\frac{1}{178}$   
 178.  $\frac{1}{179}$   
 179.  $\frac{1}{180}$   
 180.  $\frac{1}{181}$   
 181.  $\frac{1}{182}$   
 182.  $\frac{1}{183}$   
 183.  $\frac{1}{184}$   
 184.  $\frac{1}{185}$   
 185.  $\frac{1}{186}$   
 186.  $\frac{1}{187}$   
 187.  $\frac{1}{188}$   
 188.  $\frac{1}{189}$   
 189.  $\frac{1}{190}$   
 190.  $\frac{1}{191}$   
 191.  $\frac{1}{192}$   
 192.  $\frac{1}{193}$   
 193.  $\frac{1}{194}$   
 194.  $\frac{1}{195}$   
 195.  $\frac{1}{196}$   
 196.  $\frac{1}{197}</$

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105  
 106  
 107  
 108  
 109  
 110  
 111  
 112  
 113  
 114  
 115  
 116  
 117  
 118  
 119  
 120  
 121  
 122  
 123  
 124  
 125  
 126  
 127  
 128  
 129  
 130  
 131  
 132  
 133  
 134  
 135  
 136  
 137  
 138  
 139  
 140  
 141  
 142  
 143  
 144  
 145  
 146  
 147  
 148  
 149  
 150  
 151  
 152  
 153  
 154  
 155  
 156  
 157  
 158  
 159  
 160  
 161  
 162  
 163  
 164  
 165  
 166  
 167  
 168  
 169  
 170  
 171  
 172  
 173  
 174  
 175  
 176  
 177  
 178  
 179  
 180  
 181  
 182  
 183  
 184  
 185  
 186  
 187  
 188  
 189  
 190  
 191  
 192  
 193  
 194  
 195  
 196  
 197  
 198  
 199  
 200  
 201  
 202  
 203  
 204  
 205  
 206  
 207  
 208  
 209  
 210  
 211  
 212  
 213  
 214  
 215  
 216  
 217  
 218  
 219  
 220  
 221  
 222  
 223  
 224  
 225  
 226  
 227  
 228  
 229  
 230  
 231  
 232  
 233  
 234  
 235  
 236  
 237  
 238  
 239  
 240  
 241  
 242  
 243  
 244  
 245  
 246  
 247  
 248  
 249  
 250  
 251  
 252  
 253  
 254  
 255  
 256  
 257  
 258  
 259  
 260  
 261  
 262  
 263  
 264  
 265  
 266  
 267  
 268  
 269  
 270  
 271  
 272  
 273  
 274  
 275  
 276  
 277  
 278  
 279  
 280  
 281  
 282  
 283  
 284  
 285  
 286  
 287  
 288  
 289  
 290  
 291  
 292  
 293  
 294  
 295  
 296  
 297  
 298  
 299  
 300  
 301  
 302  
 303  
 304  
 305  
 306  
 307  
 308  
 309  
 310  
 311  
 312  
 313  
 314  
 315  
 316  
 317  
 318  
 319  
 320  
 321  
 322  
 323  
 324  
 325  
 326  
 327  
 328  
 329  
 330  
 331  
 332  
 333  
 334  
 335  
 336  
 337  
 338  
 339  
 340  
 341  
 342  
 343  
 344  
 345  
 346  
 347  
 348  
 349  
 350  
 351  
 352  
 353  
 354  
 355  
 356  
 357  
 358  
 359  
 360  
 361  
 362  
 363  
 364  
 365  
 366  
 367  
 368  
 369  
 370  
 371  
 372  
 373  
 374  
 375  
 376  
 377  
 378  
 379  
 380  
 381  
 382  
 383  
 384  
 385  
 386  
 387  
 388  
 389  
 390  
 391  
 392  
 393  
 394  
 395  
 396  
 397  
 398  
 399  
 400  
 401  
 402  
 403  
 404  
 405  
 406  
 407  
 408  
 409  
 410  
 411  
 412  
 413  
 414  
 415  
 416  
 417  
 418  
 419  
 420  
 421  
 422  
 423  
 424  
 425  
 426  
 427  
 428  
 429  
 430  
 431  
 432  
 433  
 434  
 435  
 436  
 437  
 438  
 439  
 440  
 441  
 442  
 443  
 444  
 445  
 446  
 447  
 448  
 449  
 450  
 451  
 452  
 453  
 454  
 455  
 456  
 457  
 458  
 459  
 460  
 461  
 462  
 463  
 464  
 465  
 466  
 467  
 468  
 469  
 470  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482  
 483  
 484  
 485  
 486  
 487  
 488  
 489  
 490  
 491  
 492  
 493  
 494  
 495  
 496  
 497  
 498  
 499  
 500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512  
 513  
 514  
 515  
 516  
 517  
 518  
 519  
 520  
 521  
 522  
 523  
 524  
 525

SECRET  
NOFORN  
NO DISSEM TO THE PUBLIC

CONFIDENTIAL

NOFORN

SECRET

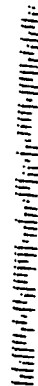
1. The first step is to identify the key components of the system. This includes understanding the hardware, software, and data involved.

2. Next, we need to define the goals and objectives of the project. This will help us determine what we are trying to achieve and how we will measure success.

3. Once the goals are defined, we can begin to design the system. This involves creating a detailed plan that outlines the architecture, components, and data flow.

4. After the design is complete, we can start implementing the system. This involves writing code, configuring hardware, and testing the system.

5. Finally, we need to deploy the system and monitor its performance. This involves installing the system on the target environment and ensuring that it is running smoothly.



Art Unit: 2165

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2165.

***Response to Arguments***

1. Applicant's arguments filed 1/11/07 have been fully considered but they are not persuasive.

{A} In re pages 2-4, applicant states, "claims 98,99 and 100 are clearly recites statutory subject matter in compliance with guidelines for examination."

In response the signal claims are not deemed to be statutory as previously stated, in view of being a form of energy, even if the signal contains functional descriptive data and non-functional descriptive data and the relationship between still based on current guidelines and understanding are not statutory, therefore the 101 rejection is maintained.

{B} In re page 4, applicant states, "the combination proposed by the examiner neither discloses nor remotely suggest .... claimed invention", and "changing reproduction control based upon a comparison of recording time, place, device information and reproduction time, place or device information."

It is noted that claim 1 recites, comparison of recording time and reproduction time", recording time information is stream time in the video and reproduction time is the table with time and interactive overlay, which changes reproduction control of interactive data, providing interactive data at times based on the video stream time and the reproduction time table, thereby enabling interactive playback or changing reproduction control of interactive contents based on a time table.

Butler and Gerba provide for this table as previously discussed, also Gerba changes the playback reproduction control base on Fig. 3, providing overlays or actionable events based on time data of the stream vs. stored table, thereby changing reproduction control of interactive overlays or actionable events presented to the user based on stream time, generated at the recoding time and time data of the interactive reproduction control data, at specified times, even windows in time (Fig. 3, Gerba, also see user interaction based on Fig. 5, step 80), which Butler does substantially the same, but, Gerba allows for recording and thereafter reproduction.

## Office Action Summary

**Application No.**

09/471,357

**Applicant(s)**

NABESHIMA ET AL.

**Examiner**

Vincent F. Boccio

**Art Unit**

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 89-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 89-109 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2165

Claim 90, is also rejected because, place information meets the limitation and reads on time information which does identify places in the stream to trigger overlays.

Claim 91, recording device information and reproduction device information, also reads on time information for the device.

{C} In re page 5, applicant states, "Clearly, in accordance with Applicants claimed invention, the display is varied based on the recording time, or device which is directly contrary to that set fourth by Butler."

In response the examiner fails to agree, Butler does compare stream time vs. time table and also Gerba does the same to just that, "the display is varied based on the recording time", by providing overlays or actionable events, as claimed.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Office Gazette notice of 22 November 2005), Annex IV, reads as follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or a strength of a magnetic field, define energy or magnetism, per se, and as such as non-statutory natural phenomena. O'Reilly, 56 US (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

A signal does not fall within one of the four statutory classes of Sec. 101.

Signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec 101.



UNITED STATES PATENT AND TRADEMARK OFFICE

AF/IFW  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APR 06 2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,357	12/23/1999	SHINJI NABESHIMA	2406-3	7310

7590 03/28/2007  
DONALD R STUDEBAKER  
SIXBEY FRIEDMAN LEEDOM & FERGUSON PC  
8180 GREENSBORO DRIVE  
SUITE 800  
MCLEAN, VA 22102

EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2165

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3-MONTHS	03/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Art Unit: 2165

Claims 98-100 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter as follows.

Claims 98-100, define a carrier wave or signal with descriptive material embodies on a carrier wave, while descriptive material may be claimed as a statutory product when embodies on a tangible computer readable medium, a carrier wave or signal embodying that same functional descriptive material is neither a process nor a product (i.e. a tangible, "thing") and therefore, does not fall within one of the four statutory classes of 101. Rather, a carrier wave or signal is a form of energy, in the absence of any physical structure or tangible material.

It is noted that applicant has viewed the 3 references used in the rejection below, wherein the examiner maintains the grounds of rejection.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2165

2. Claims 89-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (US 2002/0007493, FD 7/1997) and Gerba et al. (US 5,931,908) in view of Eyer et al. (US 5,982,445).

Regarding claims 89-91, 101-109, Butler discloses and meets the limitations associated with a transmission device and method for generating a carrier wave, the transmission that transmits a stream including content data wherein transmission device that generates a the carrier wave comprises:

- a transmitter (Fig. 1, "12"), that transmits a stream including content (Fig. 2, Video & audio), claims 101, 104, 107; and
- data for changing reproduction control based on, a comparison of recording time/place information and reproduction time/place information (page 4, col. 2 "Timing information indicates times, relative to the video stream, at which particular overlays should be displayed wherein the stream can be from a local storage device,
- page 5, col. 2, lines 60-, "local storage ... DVD", therefore, the DVD timing information represents recording time information or time information, with respect to overlay times or a table (page 4, col. 2, line 47-) to trigger the overlay or changing the control content during reproduction by comparing the {specific overlay times} with timing information associated with for example the DVD playback time data, claims 103, 106, and 109,
- thereby providing overlays triggered based on time information with respect to local playback timing, such as a DVD, wherein at page 4, col. 2, lines 48-, "The timing information indicate times ... at which particularly overlays should be displayed. Hyperlinks can be activated to override the specific timing."), wherein at page 5 col. 2, line 60-, "the movie might by provided on a DVD, with the overlays files being downloaded from an internet source.

Art Unit: 2165

Butler triggers overlays for a real time received signal or a playback of a video signal from a media, wherein the interactive overlays are downloaded from the broadcaster's transmitter, but, Butler fails to disclose

- recording the video-audio stream and wherein the
- transmitter transmits a transport stream and
- wherein the transmitted content and table of overlay data further includes, an instruction being an IF statement, claim 102 & 108.

It is further noted that Butler uses an instruction of programming, in the form of IF statements to facilitate comparison of the media time code with the corresponding overlay time information or code to trigger the overlays, IF the times are coincident and causing a changing of reproduction control (clickable or selectable (page 4, [0047-0060]), interactive overlays) by providing overlays with video content Figs. 4-5, page 2, col. 1, [0019], lines 6-9.

Gerba teaches col. 10, lines 14-, recording a program and related interface data and overlay function sets ... store in transportable media by an appropriate recording/reproduction device, lines 27-33, as taught by Gerba.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Butler by recording the content, being audio and video to an appropriate recording and reproduction device, as taught by Gerba, being an alternative to being provided with media having recorded thereon the content, as in Butler and to render overlays based on received and rendered video-audio stream (no playback or recording), or already stored media with video-audio signal already on the media.

Eyer et al. teaches providing hyperlink markup language protocol for TV display and control, wherein in Fig. 1, the HTML/HTVP 110 is multiplexed at 115 and the data is transmitted in accord to MPEG packetized digital transport stream (col. 8, lines 12-19), by 120, received at 155 to 160 to 180 being a decoder and TV to facilitate control of systems with the HTML/HTVP programming, which in view of the controls provided provides for determine IF, one of control button has been selected, Fig. 5, which IF is used to determine IF a user has



Art Unit: 2165

interacted with a control or a comparison used to determines, IF a button has been selected, based on the programming instructions provided being in the form of HTML/HTVP programming, as taught by Eyer.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Butler to transmit content of audio and video with overlay information on an MPEG 2 Transport stream, as having advantages that the MPEG 2 transport stream is advantageous in error prone environments such as satellite transmissions as done in Butler, as taught by Eyer.

Furthermore, it would have been obvious to those skilled in the art at the time of the invention to modify the combination by also transmitting code in the form of HTML/HTVP to facilitate controlled comparison with downloaded programming instructions to facilitate the process of the instructions including at least an IF type statement or code, for facilitating the comparison process or control process of triggering overlays IF, the times of steams and overlay data, the downloading of programming code to facilitate control functions as taught by Eyer, as is deemed obvious to those skilled in the art, that programming code can be included in transmission to facilitate control functions, as taught by Eyer.

Claims 92-100, have been analyzed and discussed with respect to the claims above, but, as applied fails to address the limitation of transmitted in repetitive fashion a plurality of times, is deemed met by the combination with Butler, upon a user or even multiple users, one user retrieving the table more than once or multiple user requests would cause the group of interactive control data or the table of times and overlays would be retrieved and transmitted in repetitive fashion a plurality of times based in the requests from one or multiple users over time.

#### **Conclusion**

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2165

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday thru Friday between (7:30 am to 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

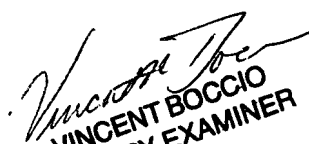
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner, Boccio, Vincent  
3/27/07

  
VINCENT BOCCIO  
PRIMARY EXAMINER